

AUG. 21, 2003

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Albert Mark Navarro, Examiner, Art Unit No. 1645 U.S. Patent and Trademark Office	(703) 308-0198	(703) 872-9307

From : Stacy L. Taylor**Email Address :** staylor@foleylaw.com**Sender's Direct Dial :** 858.847.6720**Date :** August 21, 2003**Client/Matter No :** 041673-2048**User ID No :** 3054**MESSAGE:****Applicant:** Corbeil, et al.**Title:** VACCINE BASED ON

ATTENUATED HAEMOPHILUS

SOMNUS

Appl. No.: 09/787,964**Filing Date:** 09/25/1999**Examiner:** Albert Mark Navarro**Art Unit:** 1645

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Atty. Dkt. No. 041673-2048

- [X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[] Extension for response filed within the first month:	\$110.00	\$0.00
[] Extension for response filed within the second month:	\$410.00	\$0.00
[X] Extension for response filed within the third month:	\$930.00	\$930.00
[] Extension for response filed within the fourth month:	\$1,450.00	\$0.00
[] Extension for response filed within the fifth month:	\$1,970.00	\$0.00
EXTENSION FEE TOTAL:		\$930.00
[] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$55.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$930.00
[X] Small Entity Fees Apply (subtract ½ of above):		\$465.00
TOTAL FEE:		\$465.00

- [X] Please charge Deposit Account No. 50-0872 in the amount of \$465.00. A duplicate copy of this transmittal is enclosed.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 8-21-03

By



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ATCC

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

UCSD Medical Center
Attn: Lynette B. Corbell, D.V.M., Ph.D.
Dept. of Pathology, 200 West Arbor Drive
San Diego, CA 92103-8416

Deposited on Behalf of: The Regents of the University of California

Identification Reference by Depositor:

Patent Deposit Designation

Haemophilus somnus IP
Haemophilus somnus 129 Pt
Haemophilus somnus 130 PN
Haemophilus somnus 133P

PTA-600
PTA-601
PTA-602
PTA-603

The deposits were accompanied by: a scientific description X a proposed taxonomic description indicated above. The deposits were received September 1, 1999 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will not inform you of requests for the strains.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested September 7, 1999. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: September 8, 1999

cc: Barry Wilson (Ref. Foley: #041673-2036 (UCSD: 9SD98-086)

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